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EXAMINER	
GARG, YOGESH C	

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/538,466	WHITE, DANIEL F
	Examiner	Art Unit
	Yogesh C Garg	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-20 and 22-25* is/are pending in the application.

4a) Of the above claim(s) *12 and 25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-11,13-20 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The examiner acknowledges the Applicant's amendment received on 5/27/2004 and the same is entered. The applicant has amended claims 7, 9, 11, 12, 13, 16, 17, 18, 19, 20, cancelled claim 21 and added a new claim 25. Currently claims 7-20 and 22-25 are pending for examination.

Election by Original Presentation

2. Newly submitted claims 12 and 25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The currently amended claim 12 and the newly added claim 25 are directed to an invention wherein the buyer's computer transmits permanent identification number of the stored –value card to the cafeteria web site for assigning the permanent identification number as an order number and this was not required in the originally presented claims. The originally presented invention is directed to the step that the cafeteria web site assigns an order number and transmitted to the buyer's computer .Because these inventions are distinct for the reasons given above and the search required for currently amended claim 12 and the newly added claim 25 is not required for originally presented invention], restriction for examination purposes as indicated is proper. See 37 CFR 1.145. Subsequent presentation of claims for different invention. If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the

claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12 and 25 are withdrawn from consideration as being directed to a non-elected invention. See **37 CFR 1.142(b)** and **MPEP § 821.03**.

Response to Arguments

3.1. Applicant's arguments with respect to currently amended claim 12 and cancelled claim 21 (see Remarks, page 16) are persuasive and accordingly rejection of these claims under 35 U.S.C. 112, second paragraph of the previous Office action is withdrawn. However, since the currently amended claim 12 is directed to a non-elected invention, see above, it is withdrawn from consideration along with the newly added claim 25..

3.2 Applicant's arguments with respect to rejection of claims 7, 9, 16, 18 and 19 under 35 U.S.C. 112, first paragraph (see Remarks, pages 14-16) have been fully considered but are not persuasive for following reasons:

(i) With regards to the applicant's arguments concerning claims 7, 16 and 19, the examiner has studied the referred segments of the disclosure, that is page 4, line 19-page 5, line 18, page 9, lines 2-4, page 10, lines 5-14 and19-20 and they do not provide support for the recited limitation , that is " an automated check-out station for retrieving the assigned order number from the storage unit coupled to the computer" as submitted by the applicant in the earlier amendment. See Random House Webster's College Dictionary, published 1991 by

random House, New York which defines the plain meaning of retrieving data in computer environment as, " locating and reading data from a computer storage to display on a monitor". In the disclosure, page 4, line 19-page 5, line 18 discloses various approaches to stores an order number assigned/transmitted by the cafeteria web site, . page 9, lines 2-4 describes, as an example, the use of ATM for proving identities to the check out station, page 10, line 5-14 of the disclosure states that PDA communicates and transmits a message containing the order number to the check-out station but none of these segments teach/suggest that an automated check-out station retrieves the assigned order number from the storage unit coupled to the computer or from a storage unit of the computer. Note: The applicant has currently amended the limitation " an automated check-out station for retrieving the assigned order number from the storage unit coupled to the computer" to ---" an automated check-out station for retrieving the assigned order number from the storage unit --- implying that the automated check-out station retrieves the assigned order number from an storage unit which is not coupled with the computer which does not provide sufficient antecedence basis for this storage unit because the stored unit referred earlier in the claim is coupled to the computer.

Claim 9, a dependency of claim 7, recites that the storage unit is a print out and a print out is not coupled to the computer, whereas claim 7 has already defined that the storage unit is coupled to the computer. These two limitations are inconsistent and such combination of the limitations of claim 9 with those of claim 7 is not supported in the applicant's disclosure. The disclosure does not teach that print out is coupled to the computer. A print out is a media such as paper carrying the printed information transmitted from the computer.

In view of the foregoing, rejection of claims 7, 9, and 16 and their dependencies 8-15 17-20 and 22-24 under 35 U.S.C. 112, first paragraph is maintained.

3.3 The applicant's arguments concerning Obviousness rejection of claims 1-24 in view of Cupps and Miller (see Remarks, pages 12-14 and 16-23) have been fully considered but are moot in view of new grounds of rejection.

3.4. This is a Non-final rejection.

Claim Rejections - 35 USC § 112

4.0 The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-11 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 7 contains subject matter , " an automated check-out station for retrieving the assigned order number from the storage unit ",which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner has studied the referred segments of the disclosure, that is page 4, line 19-page 5, line 18, page 9, lines 2-4, page 10, lines 5-14 and19-20 and they do not provide support for the recited limitation , that is " an automated check-out station for retrieving the assigned order number from the storage unit coupled to the computer" as submitted by the applicant in the earlier amendment. See Random

House Webster's College Dictionary, published 1991 by random House, New York which defines the plain meaning of retrieving data in computer environment as, " locating and reading data from a computer storage to display on a monitor". In the disclosure, page 4, line 19-page 5, line 18 discloses various approaches to store an order number assigned/transmitted by the cafeteria web site, page 9, lines 2-4 describes, as an example, the use of ATM for proving identities to the check out station, page 10, line 5-14 of the disclosure states that PDA communicates and transmits a message containing the order number to the check-out station but none of these segments teach/suggest that an automated check-out station retrieves the assigned order number from the storage unit coupled to the computer or from a storage unit of the computer. Note: The applicant has currently amended the limitation " an automated check-out station for retrieving the assigned order number from the storage unit coupled to the computer" to ---" an automated check-out station for retrieving the assigned order number from the storage unit --- implying that the automated check-out station retrieves the assigned order number from an storage unit which is not coupled with the computer and this amended limitation does not provide sufficient antecedence basis for this storage unit because the stored unit referred earlier in the claim is coupled to the computer.

Claims 8-11 and 13-15 are dependencies of claim 7, would therefore inherit the deficiency of claim 7.

As best understood by the examiner this limitation for claims 7-11 and 12-15 would be interpreted as an automated check-out station for receiving the assigned order number for verifying ----.

4.1. Claims 8, 9, and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 8, 9, and 11 teach that the storage units are a printout, a bar code and a card respectively, which as per claim 7 are the storage units coupled with the computer. Claims 8, 9 , 11 and 12 contain subject matter , that is a printout, a bar code and a card as storage units coupled with the computer which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The printout and a bar code are not coupled to the computer. Further, the card-reader may be coupled with the computer but not the card it self. The card is a separate entity and is portable without being coupled to the computer. The card needs to be swiped in a card reader but it is not coupled to the computer which communicates with the cafeteria web site.

Note: As best understood by the examiner this inconsistency has arisen because claims 8, 9, and 11 represent different embodiments of the disclosure, i.e., these are mutually exclusive species which can stand-alone and do not need each other to be functional. The recited embodiment in claim 7 is directed a storage unit coupled to the computer, such as PDA, and is not separated while the species of claims 8, 9, and 11 that is, a print out, a bar code and a stored-value cards are also mutually exclusive but they all are not coupled with the computer. Therefore claims 8,9, and 11 cannot be combined with claim 7.

4.2. Claims 15 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 15 recites that the system of claim 14 further comprises " a detector for detecting the unauthorized removal of the basket from the cafeteria sc that the basket sensor has to be de-activated in order for the prepared order within the basket to be removed from the cafeteria without generating an alarm" which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure,, see page 12, line 10-page 13, line 3 describes two separate embodiments: First embodiment specifying that a basket containing a sensor to detect the removal of the prepared order from the basket and the deactivation of the sensor to enable the buyer remove the prepared order, which is already recited in claim 14 and this embodiment does not teach a detector for detecting the unauthorized removal of the basket from cafeteria. The second embodiment, which is different from the earlier, specifies that the basket is equipped with arı anti-theft device AT, which is non-removable and the detector DE at the door detects the removal of the basket and sounds the alarm. This second embodiment does not teach that basket having a sensor which needs to be deactivated. Note: As best understood by the examiner this inconsistency has arisen because claim 15 has combined part of the features of the first embodiment with part of the features of the second embodiment and this is not disclosed in the applicant's specification. Therefore, keeping consistency with the applicant's disclosure claim 15 will be interpreted, for further action on merits, as----The system of claim 14 , the basket further comprising: an anti-theft device coupled to the basket and a detector for detecting the unauthorized removal of the basket from the cafeteria.

Claim 24 is also rejected for similar reasons as above for claim 15 and will be interpreted for further action on merits----The method of claim 23 , the method further comprising: detecting the unauthorized removal of the basket from the cafeteria.

4.3. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 19 is dependent on claim 16 which recites the limitation, " retrieving a stored assigned number from a storage unit at a site where prepared orders having generated labels are located". This limitation is consistent with the embodiment, as described in the disclosure ,on page 8, lines 3-10 where the automated checkout station can read bar codes to retrieve the stored order number. However, this limitation is not consistent with the limitation recited in claim 19, that is retrieving the assigned order number from the PDA.---- because the disclosure, as analyzed above teaches that PDA communicates with the check-out station and transmits messages. The disclosure does not teach that the automated checkout station 40 is equipped to retrieve data from the PDA. Note: As best understood by the examiner this inconsistency has arisen because claim 19 represents a different embodiment which is mutually exclusive of the embodiment recited in claim16, also as analyzed in 3.1 above.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the storage unit", in line 16, page 2 of the above-cited amendment. There is insufficient antecedent basis for this limitation in the claim. The applicant has deleted the term" coupled to the computer" in the current amendment from this limitation and this amendment has rendered the claim indefinite because it does not relate now to the limitation " a storage unit coupled to the computer" recited earlier in line 9, page 2 of claim 7. Claims 8-15 are dependencies of claim 7 and will inherit the same deficiency. Note: Similarly, claims 8- 11 also recite the limitation "the storage unit", in line 1, page 3, in line 7, page 3, in line 18, page 3 and in line 3, page 4 of the above cited amendment respectively and there is insufficient antecedent basis for this limitation in the claims. In order to be consistent with the limitation " a storage unit coupled to the computer" recited earlier in line 9, page 2 of claim 7 all the limitations repeated later in claim 7 and its dependent claims 8-9 and 11 should recite, " a storage unit coupled to the computer" . This has rendered the claims 8-9 and 11 inconsistent with the disclosure, as already analyzed above in 4.1.

5.2. Claims 16-20 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation " retrieving a stored assigned order number from a storage unit at a site" in line 14, page 6 of the above cited amendment. There is insufficient antecedent basis for this limitation in the claim. This limitation does not relate to the earlier recited limitation, "storing the assigned order number received over the public access network" in lines 9-10, page

6 of claim 16 but instead stands alone thereby rendering the claim indefinite. It is not clear if the retrieved stored assigned number at a site is same as the assigned order received and stored over the public-access network. Since claims 17-20 and 22-24 are dependencies of claim 16 they will inherit the same deficiency.

Claim 18 recites the limitation " at an automated check-out station" in line 12, page 7 of the above-cited amendment. There is insufficient antecedent basis for this limitation in the claim. This limitation does not connect to the limitation "site" in claim 16 where the verification is carried out.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.1. Claims 7, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps, in view of Miller and further in view of Sehr (US Patent 6,085,976).

Regarding claim 7, Cupps teaches an automated cafeteria (see at least Fig.9 a web page for automated Pizza delivery restaurant), comprising:

a cafeteria web site for presenting a menu over a public-access network and for assigning an order number to an order comprised of menu selections

(see at least FIGs.9, 10, which show "Enzo's Pizza" web site presenting delivery menu, FIG.11, boxes 306, 308, and 309 which shows that a customer is able to place an order for

pizza after seeing online menu on web pages and the same order is received by an online ordering machine to process the order. The online ordering machine corresponds to the web site of the automated cafeteria. Also see FIGs 12A-12C and col.2, lines 19- 50, col.8, line 41-col.10, line 10. Also see col.10, lines 23-26 and FIG.6, "...*Referring to FIG.13, an entry is generated for the order in the order database 128 [step 312]. An order text file 138 is generated .....in accordance with a prescribed format as shown in FIG.6 [step 314]. The prescribed format of the order includes an order number [see FIG.6].)* ;

a computer for viewing the menu presented by the cafeteria web site over the public access network for issuing an order message and for receiving the assigned order number (see FIG.1 and FIG.2. Client computer 102A....102N. Client computer enables the viewing of the menu and receipt of the order data [see FIG.6] which includes assigned order number. The claim 7 is a system claim and the limitation is directed to a computer capable of receiving an assigned order number over a public access network and storing the same which in fact are same as receiving data and storing the same. In Cupps, the client computer 102 including a memory 119 (see at least col.3, line 49-col.4, line 12, col.9, lines 35-47, col.11, lines 20-27) is capable of both receiving data from a server over the public access network, such as Internet, and storing that data regardless whether that data is an order number or some other text/image. Also see MPEP 2114 which specifies that claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). (emphasis in original) ;

a storage unit coupled to the computer for storing the assigned order number (see at least FIG. 2, " 119 memory" and col.4, lines 1-12, "...FIG.2 illustrates the client computer 102....a memory 119...The memory 119 can contain the following....Internet access procedures

122; as well as other procedures and files ". Note: the memory 119 can store the order text file which includes the assigned order number);

Cupps does not disclose the following:

a label generator for receiving the assigned order number from the cafeteria web site and generating a label identifying the assigned order number for a corresponding prepared order, the label being associated with the corresponding prepared order.

However, in the same field of endeavor of receiving food orders via communication network, Miller teaches a label generator for receiving the assigned order number from the cafeteria web site and generating a label identifying the assigned order number for a corresponding prepared order (see at least col.4, lines 34-47, " an employee 10 receives a phone order.....If as an option the customer may pick up an order...", col.5, lines 13-155, "...Entry of an order....produce a printed bar code label 30 such as indicated in FIG.7. The bar code label 30 may have zones 31-40 for receiving order data...A bar code at zone 40 may represent an order number [such as 3465] assigned to the order by the system...an individual bar code label may be printed out by a bar code printer.....").

In view of Miller, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to modify Cupps to include the disclosed feature of generating a label with information of the order received from the customer such as assigned order number for the obvious reason to track and identify the orders before being picked up at checkout station for home delivery to check if all the items of the order are included in the delivery to the customer, as explicitly disclosed in Miller (col.6, line 61-col.7, line 5, "... *The label segment of FIG.7 or FIG.8 may be adhesively backed.....The driver checking out station 70 may include an instant bar code reader e.g. at a fixed location 82 for reading the bar code representing the order identification number [e.g. number 2072, FIG.8]* ").

Cupps in view of Miller as applied to claim 7 above also does not also disclose the following:

an automated check-out station for receiving an assigned order number and for verifying that the received assigned order number corresponds to the assigned order number on the generated label for a prepared order presented to the automated check-out station so that the prepared order may be obtained at the automated check-out counter.

However, in the analogous field of automated check-out stations for receiving an assigned luggage code and verifying that this received assigned luggage code corresponds to the assigned luggage code on the generated label for the luggage to be presented to the automated check-out station so that the luggage may be obtained at the automated check-out counter, see Sehr at least col.34, line 41-col.36, line 39, " ..... *Next, the passenger will be asked about eventual luggage items that need to be checked-in. The representative will weight the luggage and determine the number of allowable items, as well as compile a tag to be attached to the luggage items or program a identity label that is embedded in the luggage per se. The tag/label comprises the information, such as a bar code or any other plain or encoded data, that identifies the passenger as owner of that luggage, ... Upon arrival at the destination, the passenger proceeds to the baggage claim to pick-up the luggage items that have been previously checked-in. The passenger removes the luggage, as identified by the tag affixed to the luggage, from the conveyer belt and proceeds to the exit gate while coupling the passenger card to the control module installed at that gate. To establish proper ownership of the luggage, the control module will read the tag-based data and compares the data with the tag-related information that was stored in the passenger card during the check-in process. If there is a match, the passenger can exit with the identified luggage items and the control module will update the airliner's database accordingly.*". Note: In Sehr, the control module corresponds to the automated check-out station, luggage to the ordered prepared food item, luggage tag/label to the generated label and the tag- based data to the assigned order in the claimed application.

The control module receives the assigned luggage tag- based data by reading the stored tag-based data in the passenger card and verifies this data with the data on the generated label of the luggage so that the luggage may be obtained at the automated check-out counter. In view of Sehr, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Cupps in view of Miller as applied to claim 7 above to incorporate the feature of an automated check-out station for receiving an assigned order number and for verifying that the received assigned order number corresponds to the assigned order number on the generated label for a prepared order presented to the automated check-out station so that the prepared order may be obtained at the automated check-out counter. Doing so, as explicitly suggested in Sehr (see at least col.2, lines 5-67), would reduce administrative costs, improve productivity, provide better quality of service and result in higher revenues.

Regarding claim 16, all limitations are closely parallel to claim 7 and is therefore analyzed and rejected on the same basis.

6.2. Claims 8-9, and 17-18 are rejected under 35 U.S.C. 103(a) as being obvious over Cupps/Miller/Sehr as applied to claims 7 and 16 and further in view of the Official Notice and the applicant's admitted prior art.

Regarding claims 8 and 9, Cupps/Miller/Sehr teaches a system for ordering on a web site of an automated cafeteria and correlating the assigned order as disclosed and analyzed in claim 7 above. Cupps/Miller/Sehr as applied to claim 7 does not disclose that the storage unit for storing the assigned order is a printout/printout of the bar-code and these print outs are sent to the check-out station for verification. The examiner takes official notice of the fact that use of bar codes and bar code-readers is notoriously well-known in the field of inventory control and

retail sales wherein the bar-codes are printed on labels which store machine-readable data at the time of the applicant's invention and these bar-codes are read to retrieve stored data as admitted by the applicant, see Remarks, page 16, lines 3-12, " One of ordinary skill in the art recognizes that bar code readers are incorporated within automated check-out stations for reading bar codes". In view of the Official Notice and the applicant's prior admitted art, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Cupps/Miller/Sehr to incorporate the feature of storing the assigned order in a bar-code print out because as analyzed above in the view of Official Notice and the admitted prior art it is a well-known practice to encode data into bar-codes which can be machine read by scanners to display data on a monitor and use that data in any way like verifying information or gathering information.

Regarding claims 17, and 18, all limitations are covered in claims 8 and 9 respectively and are therefore analyzed and rejected on the same basis.

6.3. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps/Mille/Sehr as applied to claims 7 and 16 above, and further in view of Suzuki.

Regarding claim 10, Cupps/Miller/Sehr teaches a system for ordering on a web site of an automated cafeteria and correlating the assigned order as disclosed and analyzed in claim 7 above. Cupps/Miller/Sehr does not disclose the following:

the computer is a personal digital assistant (PDA) and the storage unit for the assigned order number is internal to the PDA.

However, in the same field of endeavor i.e. electronic commerce, Suzuki teaches that the computer is a personal digital assistant (PDA) and the storage unit for the assigned order number is internal to the PDA (see at least col.9, line 56-col.10, line 18, "....The personal digital

assistant 10 is preferably configured as a smart card-like IC card, which provides a suitable means for a customer to transport pertinent data between terminal locations .....and exchange pertinent data...through the use of various interface units.....the customer card 10 comprises a personal memory card....suitably comprises a central processor unit [CPU] 50.....in combination with a memory store 52.....card further includes an input/output interface circuit 54 by which information is read to and written from the memory store 52....". Note: The PDA used in Suzuki allows to record and store information in the PDA and the same information can be read later to correlate and verify merchandises as demonstrated by Suzuki to help the customers to shop in a retail store without having to carry the purchases with them as they move from department to department. Details of the purchases are recorded in the PDA and when a customer terminates his/her shopping session the POS terminal is able to read the transaction details from the PDA and transmits the list of items purchased to the stock room from where the merchandise can be picked up (see at least col.7, line 58-col.8, line 14).

In view of Suzuki, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Cupps/Miller/Sehr to incorporate the feature of using a personal digital assistant (PDA) and the storage unit for the assigned order number is internal to the PDA. Doing so enables the customers to record and store information in portable computers as PDA, irrespective of the type of information whether it is related to a merchandise or an order number and for reading the same to correlate the merchandises to be picked up at the checkout station. This ability helps to eliminate the need for printers and printouts and to make the shopping experience economical, efficient and convenient.

Regarding claim 19, limitations are covered in claim 11 and is therefore analyzed and rejected on the same basis.

6.4. Claims 11, 13, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps/Mille/Sehr as applied to claims 7 and 16 above, and further in view of Sehr.

Regarding claim 11, Cupps/Miller/Sehr as applied to claim 1 teaches a system for ordering on a web site of an automated cafeteria and correlating the assigned order as disclosed and analyzed in claim 7 above. Cupps/Miller does not disclose:

a card reader coupled to the computer; and

the storage unit is a stored-value card so that an assigned order number transmitted to the computer from the cafeteria web site may be stored by the card reader in the stored-value card.

However, in the same field of endeavor i.e. electronic commerce, Sehr teaches a card reader coupled to the computer (see at least FIG.1, card reader 12 is coupled to computer 14) and the storage unit is a stored-value card so that an assigned order number transmitted to the computer from the cafeteria web site may be stored by the card reader in the stored-value card (see at least col.6, lines 39-51, "*.....The card reader (12) represents a card device that can read the passenger card's contents, as well as write information into the card; this read/write information can also be displayed onto the card reader. The card data can further be displayed and manipulated within the passenger card or on the monitor of a computer terminal. The passenger card can communicate, via such a read/write module, with the other system components including equipment that captures card data relating to text, graphics, audio or video information. This module can be a stand alone device, incorporated into computer terminals via appropriate plug-in boards, or implemented by the passenger card via built-in input or output ports....* ". Note: the passenger card corresponds to the claimed storage unit and the stored-value card and this passenger card can receive an assigned number transmitted to the card-reader 12 from a website via the computer 14.).

In view of Sehr, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Cupps/Miller/Sehr as applied to claim 7 to incorporate the feature of a card reader coupled to the computer and the storage unit is a stored-value card so that an assigned order number transmitted to the computer from the cafeteria web site may be stored by the card reader in the stored-value card. Doing so would enable the customers to record and store information in a portable device like a smart card, irrespective of the type of information whether it is related to a merchandize or an order number and for reading the same to correlate the tickets/merchandize/prepared food order to be picked up at the checkout station and helps to eliminate the need for printers and printouts and to make the shopping experience economical, efficient and convenient.

Regarding claim 20, its limitations are covered in claim 11 and is therefore analyzed and rejected on the same basis.

Regarding claim 13, Cupps/Miller/Sehr as applied to claim 11 teaches a system for ordering on a web site of an automated cafeteria and obtaining the prepared order at the automated check-out station by correlating the assigned order retrieved from the stored value card with the assigned order number on the generated label as disclosed and analyzed in claim 11 above. Cupps/Miller/Sehr as applied to claim 11 does not disclose:

the check-out station deducts an amount corresponding to the prepared order from the stored-value card.

However, in the same field of endeavor i.e. using value added cards and card reader in electronic commerce, Sehr teaches that the check-out station deducts an amount corresponding to the prepared order from the stored value card (see at least col.26, lines 37-55 " *To pay for a*

particular purchase made via the card, the purchase amount will be computed and compared against the digital cash stored in the card. If there is enough cash, the purchase amount will be approved by the cardholder and deducted directly from the passenger card while updating the digital cash balance remaining in the card; ..... ". Note: The required amount for a purchase is deducted from the passenger card, which corresponds to the claimed stored value card). In view of Sehr, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Cupps/Miller/Sehr as applied to claim 11 to incorporate the feature so that the check-out station deducts an amount corresponding to the prepared order from the stored value card because it provides efficient and convenient personalized shopping assistance by allowing the customer to make the payment and close the deal without having to carry cash/currency or requirement of a credit or debit card.

Regarding claim 22, limitations are parallel to the limitations of claims 13 and it is therefore analyzed and rejected on the same basis.

6.5 Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps/Mille/Sehr as applied to claims 7 and 16 above, and further in view of Miller.

Regarding claim 14, Cupps/Miller/Sehr as applied to claim 7 disclose an automatic cafeteria system as analyzed and disclosed in claim 7 above. Cupps/Miller/Sehr as applied to claim 7 does not disclose the following :

a basket for holding a prepared order, the basket having a sensor for detecting removal of a prepared order placed within the basket and generating an alarm in response to detection of such removal; and

the automated check-out counter for deactivating the basket sensor so that the prepared order may be removed from the basket without generating the alarm in response to the detection of such removal.

However, in the same field of endeavor of receiving food orders via communication network, Miller discloses a basket for holding a prepared order, the basket having a sensor for detecting removal of a prepared order placed within the basket and generating an alarm in response to detection of such removal the automated check-out counter for deactivating the basket sensor so that the prepared order may be removed from the basket without generating the alarm in response to the detection of such removal (see at least col.6, lines 61-65, which discloses that the prepared orders are kept in boxes with labels applied to them and these boxes with labels correspond to baskets for holding the prepared order. Further, col.7,lines 46-51 discloses that labels attached to the boxes include sensor to trigger of an alarm if they are removed but they can be removed without generating the alarm because the check-out station 70 has the means to deactivate the alarm in response to an approval for removal.).

In view of Miller, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to modify Cupps/Miller/Sehr as applied to claim 7 to include the feature of a basket for holding a prepared order, the basket having a sensor for detecting removal of a prepared order placed within the basket and generating an alarm in response to detection of such removal and the automated check-out counter for deactivating the basket sensor so that the prepared order may be removed from the basket without generating the alarm in response to the detection of such removal for the obvious reason of preventing thefts or mix-ups and at the same time if the packages are being picked up by the right person to allow them to pick up without activating the alarm.

Regarding claim 23, limitations are parallel to the limitations of claims 14 and it is therefore analyzed and rejected on the same basis.

6.6 Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being obvious over Cupps/Mille/Sehr as applied to claims 14 and 23 above, and further in view of the Applicant's admitted prior art.

Note: Claims 15 and 24 are rejected in light of their rejection under 35 U.S.C. 112, first paragraph in (4.2) above.

Regarding claims 15, Cupps/Miller/Sehr as applied to claim 14 disclose an automatic cafeteria system with baskets equipped with sensors for detecting removal of prepared orders placed within the basket. as analyzed and disclosed in claim 7 above. Cupps/Miller/Sehr as applied to claim 14 does not disclose the following :

an anti-theft device coupled to the basket and a detector for detecting the unauthorized removal of the basket from the cafeteria. However, the applicant has admitted as prior art that anti-theft devices are well-known and are used in libraries and department stores to detect the unauthorized removal of books and merchandizes (see Specification, page 13, lines 4-12). In view of the applicant's admitted prior art it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Cupps/Miller/Sehr as applied to claim 14 to incorporate the feature of an anti-theft device coupled to the basket and a detector for detecting the unauthorized removal of the basket from the cafeteria because it would eliminate personnel and result in an efficient and economic way to stop stealing or unauthorized removal of the products from a business establishment as restaurant/ cafeteria/store.

Regarding claim 24, limitations are parallel to the limitations of claims 15 and it is therefore analyzed and rejected on the same basis.

In view of Miller, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to modify Cupps to include the feature of an anti-theft device coupled to the basket and a detector for detecting the unauthorized removal of the basket from the cafeteria so that the basket sensor has to be de-activated in order for the prepared order within the basket to be removed from the cafeteria without generating an alarm. Doing so would enable the system to prevent thefts or mix-ups and at the same time if the packages are being picked up by the right person to allow them to pick up without activating the alarm.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 5,566,327 to Sehr discloses an automated check-out station so that a visitor at a theme park is able to insert a stored-value card into a card reading device at the automated check-out station for verification for entry to the theme park. The automated check-out station in Sehr is analogous to the claimed automated check-out station because it has the capability to retrieve data from stored units, such as cards and verify this data with another data already stored to determine allowing the visitor entry into the theme park (see at least col.6, line 64-col.7, line 57).

(ii) US Patent 5,890,136 to Kipp teaches a Quick stop Mass Retail system which allows a user communicate with a web site to place orders using a computer for later pick-up of the ordered products including an automated check-out system which retrieves identification data related to order from a stored unit to verify with the order data of the items to be picked up

from the automated station site and verifies before the buyer is able to obtain the prepared order (see at least col.2, lines 21-38 and col.3, lines 1-67). Note: Kipp's art can be used to render the claimed inventions disclosed by claims 1 and 16 obvious.

(iii) US Patent 5,475,377 to Lee discloses an automated identification system which communicates and responds to a portable computer, such as electronic card to perform identification between the automated identification system and the portable computer system (see at least col.1, line 1-col.4, line 30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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YCG
September 05, 2004.